

TOWN OF FOXBOROUGH
ADVISORY COMMITTEE
MINUTES
DATE 9/10/2014

Committee Members Present: Tracey Vasile, Larry Thomas, Sue Dring, Heidi Krockta, Cal Calnan, Patrick Mosesso, John Chlebek, Monica Fisler, Kristin Papianou, Javed Hussain

Members Absent: Thom Freeman

Others Present: Lorraine Brue, Ginny Coppola, Jim DeVellis, John Gray, Jr., Randy Scollins, Bill Casbarra, Bill Keegan, Bill Grieder, Dennis Naughton, Barney Ovrut, Sharon Wasson

Notes taken by: Kristin Meehan Papianou

The meeting was brought to order at 7:00PM by Tracey Vasile, Chairman. Lorraine Brue opened the joint Board of Selectmen meeting. She introduced the members of the Billboard Advisory including Randy Scollins, Lorraine Brue, Bill Grieder, Barney Ovrut, Bill Casbarra and Sharon Wasson.

Lorraine discussed the issues with the existing by-laws and the history of amendments. It's not user friendly, it's unclear, lacking in clear definitions. Sharon then walked through the work that the Committee did. She said they were originally hoping to insert a section on digital bill boards but realized that the by-law needed an update overall. Bill discussed the history of the general by-laws and the zoning by-laws and some issues that were caused by changes that were made in the 90's. Size and height of signs were tied to the number of lanes on the road and the speed limit. So, if the speed limit was changed, non-conformities were created. The new draft of the general by-law removes zoning references, clarifies ambiguities and creates consistency.

Sharon discussed the experience and expertise of the committee members as well as the planning firm / consultant (Community Opportunities Group, COG) that was used. The firm was paid just under \$16,000 and the BoS had allocated \$20,000 for this work. Sharon said she doesn't anticipate any additional expense.

The consultant reviewed the by-laws, interviewed business owners and others in the community. They did a survey of visual preferences for signage. They received 142 responses to the survey, which the consultants said was a good response rate. Majority of respondents supported digital billboards anywhere in town. Respondents also supported more control over the appearance of signs and also supported having a local board responsible for review of all sign proposals.

The Committee began drafting in January and their key concepts included the creation of a clearer law, equity for land on Route 1, regulation by sign district rather than zoning district, addressing new technologies and incentivizing better signs.

The proposed by-law remains a general by-law and that means it only needs a majority at town meeting, not 2/3 vote. Tracey asked if this belongs in the general by-law. Sharon said that it's more of a police power and so it should be in the general by-laws.

Larry Thomas asked why we want to allow electronic bill boards. He referenced an article that was before the town a couple of years ago and it was overwhelmingly voted down then. Sharon said that the MASS DOT determined that electronic bill boards determined that there's no impact on traffic safety. Larry asked if there's any requirement that we adopt a by-law on electronic bill boards. Sharon said that there isn't.

Sharon discussed the differences between the existing and the proposed by-laws. Discussion of the definitions section and Tracey suggested that they include a definition for "digital". Sharon continued to move through the sections of the proposed by-law including signs that are "oversized" and Sign Districts (Route 1 Corridor = Sign District 1, Foxboro Center = sign district 3 and then the remainder of town = Sign district 2). Discussion of Exempt Signs (directional, historical, etc.).

Sharon discussed the Design Guidelines (Section VII) of the by-law. Larry asked if there's anything that limits the design of the sign that is close to a residence. That is addressed in the by-law and a sign of that nature would be subject to a special sign permit approval by the Zoning Board of Appeals. Discussion of large development and aggregate sign consideration. Tracey asked if abutters would be notified. Bill said that they would be notified by return receipt mail (everyone within 300 feet).

Sharon confirmed that this isn't a zoning article but the ZBA is the governing body. Javed Hussein asked about the work that the consultant did and why we created our by-law from scratch rather than borrowing from or learning from another town that has adopted a similar by-law. Bill talked about the intention to treat Foxboro as the unique town that it is.

Bill advised that under the old by-law the Town of Foxboro is exempt from the by-law. Bill Grieder shared that, from a Planning Board point of view they were pleased that the Town was addressing this issue. He said that this is meant to be a current document that reflects the existing signage as well as where the Town wants to head. This is a living document and will be modified in the future. After this document goes through Ad Comm, they will have more public input and public hearings.

Question as to how many signs would be permitted on Route 1 (Globe article said it's every 1000 feet). Alex (last name unknown, counsel for Kraft) clarified that the signs have to be 1000 feet away from each other. Heidi asked if there can then be static bill boards in between and Sharon confirmed that there can be. Additional clarification that none of it is automatic. It's all with the approval of the Zoning Board. Larry Thomas said that he was doing some research today and it's generally accepted that these signs are completely ineffective. Sharon said that she would agree that a lot but business people get very invested in their signs. Discussion of the use of breakaway signs, which Bill said would be in conflict with the building code. Discussion of maximum letter sizes and whether there should be a minimum.

John Gray asked if there's anything that prohibits temporary advertising signs on public ways (like the going out of business signs). Bill said that there isn't anything in the by-law that prohibits it. Bill said he's been told that we can regulate the number but not the message. Tracey asked about enforcement. Bill said there is a per day fine.

Discussion of animated vs digital. Animated signs are permitted on Route 1 and Tracey and Larry suggested that should be by special permit. Discussion of the distinction between what a Sign Permit is versus a Special Sign Permit. Suggestion made that Foxboro is not Vegas and there shouldn't be any animated signs in Town. Sharon acknowledged that they are hearing concerns with Animated and Electronic signage being SSP rather than Y.

Bill Keegan asked for clarity around: If something is allowed, then what is the basis for denial? What are the standards? Bill Casbarra discussed the objective nature of the sign approvals. Bill clarified that he can't legally deny a corporate logo but we can regulate scale.

Larry Thomas asked what the advantage is to the citizens of Foxboro to having the signs. Sharon said it serves the need of the public to be informed and be given directions. Bill Grieder said that we're responding to business owners on Route 1.

Jim DeVellis asked about the connection between the bill boards and revenue to the town. He asked when the survey was done and whether the responses might have been skewed because the respondents were tying the bill boards to potential revenue sources. Sharon said that they are investigating whether they can legally charge annual licensing for bill boards. She also shared that there is tax on bill boards. Jim said he'd like more information about the revenue implications. Bill Casbarra shared that there's been a recent court decision in which a fee was not upheld because it constituted an additional tax which is not lawful. Jim asked if Town Counsel has looked at this. Sharon said that it is under legal review, not with Town Counsel.

Larry Thomas shared that he would argue against electronic bill boards. Larry and Tracey and others acknowledged the work that was done and expressed appreciation for same. Bill Grieder acknowledged that the Town shot electronic bill boards down last time, but that was in the context of a casino. They wanted to revisit it now that the casino is not at issue to get feedback from the town. Tracey asked how many applications we've received for electronic bill boards. Lorraine and Bill answered two (2) but they've been withdrawn.

Larry suggested that electronic signs be taken out of the by-law and pass the rest of it so that we've got a rule that can be applied and followed without adding the new technology piece. Then we can deal with the technology piece separately. Heidi asked if the master plan guided the by-law at all. Discussion of why any citizen would want these signs if there isn't any financial gain.

Tracey asked the Ad Comm for a straw poll for information purposes only on electronic bill boards.

Show of hands for those who are against additional billboards on Route 1? One person was against. Who is against electronic bill boards? 7 were against.

Dennis Naughton said that he agrees that we shouldn't have electronic bill boards on Route 1. He lives off Beach Street and they have a lot of light pollution from Route 1 already. He asked if the by-law is on the website for people to review prior to Town Meeting. Sharon advised that the by-laws are available on line. He said that if they want Town Meeting to be productive, they need to get the word out.

Bill Keegan said that he thinks the overwhelming concern he's hearing is the digital bill board issue. He asked if everyone is ok with the rest of the by-law. Tracey said that, other than that, the by-law seems to be clear and the work that has been done is tremendous. Sue Dring said her other concern is the bill board every 500 feet. Sharon said that's the State's requirement, but we could be more restrictive.

Ginny asked for explanation about how the boards are taxed. Bill Keegan said it's based on expense. Jim DeVellis said he's never seen such an extensive by-law. A suggestion was made for simplified articles in the Foxboro Reporter to get the word out. Additional discussion of how to inform townspeople including discussion of use of social media.

9:00PM Motion to Adjourn by Kristin Papianou. Seconded by Monica Fisler.

Vote: 7-0-0

Minutes approved by Vote of the Advisory Committee.

Date of Meeting: September 24, 2014

Vote: 8-0-1

Signature of Chairperson

Signature of Secretary